

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUIS ALFONSO LEON,

CASE NO. 2:22-cv-851

Plaintiff,

ORDER ADOPTING R&R AND DISMISSING CASE

V.

ELLEDGE, et al.,

Defendants.

Before the Court is the Report and Recommendation (R&R) of the Honorable Theresa L. Fricke, United States Magistrate Judge, on Plaintiff Luis Alfonso Leon's claims against individual BOP employees at FDC SeaTac, Defendants Elledge (prison official), J. Manansala (prison official), Harris (prison official), Sheikh (Chaplain), Smith (counselor), and I. Jacquez (warden). Dkt. No. 63. The R&R recommends that the Court dismiss Leon's claims without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute and failure to respond to a court order.

Leon has not objected to the R&R and the time for objecting has passed. *See generally* Dkt. Because there were no objections, the Court may adopt the R&R if it is satisfied there are no clear errors on the face of the record. Fed. R. Civ. P. 72(b)

1 Advisory Committee's Note to 1983 Amendment. The Court agrees with Judge
2 Fricke's analysis that because Leon has failed to file any documents or participate
3 in this action in any way since January 2, 2024, his case should be dismissed for
4 failure to prosecute and failure to comply with the Court's order.

5 Based on its review of the R&R, the record, and the law, the Court ORDERS
6 as follows:

- 7 1. The Court ADOPTS the R&R at Dkt. No. 63.
- 8 2. The action is DISMISSED without prejudice under Fed. R. Civ. P. 41(b)
9 for failure to prosecute and failure to respond to a Court order.
- 10 3. The individual defendants' motion for summary judgment (Dkt. No. 47) is
11 DENIED as moot.
- 12 4. The Clerk is directed to provide a copy of this order to the parties and to
13 the Honorable Theresa L. Fricke.

14 Dated this 26th day of August 2024.

15 

16 Jamal N. Whitehead
17 United States District Judge
18
19
20
21
22
23